

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DESIMONE HOSPITALITY SERVICES, LLC,

Plaintiff,

v.

Lead Civil Action No.: 2:14-14845

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

ORDER

Pursuant to the companion memorandum opinion and order entered this date contemporaneously herewith, it is ORDERED that the following thirty-four cases in this consolidated action, each of which names as its sole defendant West Virginia-American Water Company, be, and they hereby are, remanded to the respective state circuit courts from which they were removed:

| Cases solely against West Virginia-American Water Co. | |
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| CASE NO. | PLAINTIFF(S) |
| 2:14-14890 | Brogan, Jason |
| 2:14-14887 | Buffalo Volunteer Fire Dept., Inc. |
| 2:14-14895 | Gravely, Richard |
| 2:14-14893 | J.E., individually and on behalf of their minor child, K.E. |
| 2:14-14896 | Miller, Scott, et al. |
| 2:14-14870 | Town of Buffalo (The) |
| 2:14-14885 | Barber, Mary |
| 2:14-14871 | Briscoe, Ronnie Allen, et al. |
| 2:14-14845 | Desimone Hospitality Services, LLC |
| 2:14-14873 | Desimone, Jr., William, et al. |

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| 2:14-14879 | Deweese, Christopher M., et al. |
| 2:14-14877 | Deweese, Gary N., et al. |
| 2:14-14889 | EJ&K Enterprises, LLC, et al. |
| 2:14-14892 | Falbo & Monday, PLLC, et al. |
| 2:14-14888 | Forbis, Trent, et al. |
| 2:14-14884 | Harris, Misty |
| 2:14-14872 | Hedrick, Deborah J. |
| 2:14-14878 | Johns, Geraldine |
| 2:14-14880 | Jordan, Christopher |
| 2:14-14882 | Jordan, Margie |
| 2:14-14866 | Little Bo Peep Daycare, et al. |
| 2:14-14868 | Maid In The USA, Inc. |
| 2:14-14894 | Medley, Melissa Jean |
| 2:14-14876 | Moore, Darrell L., et al. |
| 2:14-14874 | Newhouse, Larry, et al. |
| 2:14-14899 | Ord, Kristy, et al. |
| 2:14-14881 | Sandylou & Tiffany 2, LLC dba Angaleno's Pizza |
| 2:14-14886 | Shamblin, Warren, et al. |
| 2:14-14898 | Stewart, Daniel Cleve |
| 2:14-14867 | Tucker, Bobby L., et al. |
| 2:14-14869 | Tucker, Otis, et al. |
| 2:14-14875 | Wellington's, Inc. |
| 2:14-14891 | AM & GH, LLC , et al. |
| 2:14-14900 | Adelphia, et al. |

It is ORDERED that the above cases be, and they hereby are, stricken from the docket of the court.

In the following thirteen cases in this consolidated action, in which both the debtor Freedom Industries, Inc. ("Freedom") and West Virginia-American Water Company are named as defendants, it is ORDERED that claims against West Virginia-American Water Company be, and they hereby are, severed from the claims against Freedom. It is further ORDERED that the claims

against West Virginia-American Water Company be, and they hereby are, remanded to the respective state circuit courts from which they were removed:

| Cases against Freedom & West Virginia-American Water Co. | |
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| CASE NO. | PLAINTIFF(S) |
| 2:14-14848 | Fields, Maddie P. |
| 2:14-14847 | Hardman, Noel, et al. |
| 2:14-14883 | Konnovitch, Nick |
| 2:14-14859 | Kuppel, LLC, et al. |
| 2:14-14860 | Larwa, Shannon, et al. |
| 2:14-14849 | Rodoco, Inc. dba Donut Connection, et al. |
| 2:14-14851 | Dyer, Susan K., individually and on behalf of all others similarly situated |
| 2:14-14864 | Hair We Are, Inc. |
| 2:14-14856 | Joe Fazio's Restaurant, Inc. |
| 2:14-14901 | Kanawha Gourmet Sandwiches, LLC, individually and on behalf of all others similarly situated |
| 2:14-14862 | Levin, John, et al. |
| 2:14-14858 | Nelson, John, et al. |
| 2:14-14855 | Pray Construction Company, et al. |

It is further ORDERED that in the case of Mahood et al. v Freedom Industries Inc., No. 2:14-14853, in which plaintiffs bring claims against Freedom, West Virginia-American Water Company, and Dennis Farrell, claims against West Virginia-American Water Company and Dennis Farrell be, and they hereby are, severed from the claims against Freedom. It is further ORDERED that the claims against West Virginia-American Water Company and Dennis Farrell be, and they hereby are, remanded to the Circuit Court of Kanawha County.

It is further ORDERED that in the following two cases, in which plaintiffs bring claims against Freedom, West Virginia-American Water Company, and various John Doe defendants, claims against West Virginia-American Water Company and the John Does be, and they hereby are, severed from the claims against Freedom. It is further ORDERED that the claims against West Virginia-American Water Company and the John Does be, and they hereby are, remanded to the state circuit courts from which they were removed:

| Cases against Freedom, West Virginia-American Water Co. and John Doe Defendants | |
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| CASE NO. | PLAINTIFF(S) |
| 2:14-14850 | EG&K, Inc., et al. |
| 2:14-14865 | Gurski, June |

It is further ORDERED that in the following two cases, in which plaintiffs bring claims against Freedom, West Virginia-American Water Company, and American Water Works Service Company, Inc., claims against West Virginia-American Water Company and American Water Works Service Company, Inc. be, and they hereby are, severed from the claims against Freedom. It is further ORDERED that the claims against West Virginia-American Water Company and American Water Works Service Company, Inc. be, and they hereby are, remanded to the Circuit Court of Kanawha County:

| Cases against Freedom, West Virginia-American Water Co. and American Water Works Service Company, Inc. | |
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| CASE NO. | PLAINTIFF(S) |
| 2:14-14854 | Harvey, Von |
| 2:14-14846 | Shape Shop, Inc., et al. |

Finally, the court ORDERS that the claims against Freedom in all of the above-named actions and in the remaining four actions below be, and they hereby are, stayed pending the resolution of the Freedom bankruptcy:

| Cases solely against Freedom | |
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| CASE NO. | PLAINTIFF(S) |
| 2:14-14852 | 5 Corners Café, LLC, et al. |
| 2:14-14861 | Christian, Cornellisus D. |
| 2:14-14857 | Gandee, Laura, individually and as representative of others similarly situated |
| 2:14-14863 | Graziano Investments, Inc., et al. |

The Clerk is directed to send a copy of this order to counsel of record and any unrepresented parties, along with Mark E Freedlander, Esq., McGuireWoods LLP, 625 Liberty Avenue, 23rd Floor, Pittsburgh, PA 15222.

DATED: December 17, 2015



Judge John T. Copenhaver, Jr.
United States District Judge